

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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ANDREW PATRICK BRENNAN	:	CIVIL ACTION
	:	
	:	
	Plaintiff,	: No.
v.	:	
	:	
MONROE COUNTY	:	CIVIL ACTION – COMPLAINT AND
CORRECTIONAL FACILITY,	:	<u>DEMAND FOR JURY TRIAL</u>
WARDEN GARRY HAIDLE,	:	
DIRECTOR OF TREATMENT LEA	:	
BAYLOR, PRIMECARE MEDICAL,	:	
INC. AND JOHN DOES AND JANE	:	
DOES #1-10, a fictitious name used to	:	
designate an unknown party	:	
	:	
	:	
	Defendants.	

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**CIVIL ACTION COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Andrew Patrick Brennan, a resident at 1510 Magnolia Street, Belton, TX 76513 by and through his attorneys, van der Veen, Hartshorn, Levin & Lindheim, says by way of Complaint against the Defendants, as follows:

**JURISDICTION AND VENUE**

1. Jurisdiction in this Court is invoked pursuant to 42 U.S.C. § 1983.
2. The practices alleged in this complaint were and are being committed in the Middle District of Pennsylvania, wherein, upon reasonable belief, all of the parties reside, govern, and operate. Therefore, venue in this Court is invoked under 28 U.S.C. §§1331 and 1333 (1), (3) and (4).

**PARTIES**

3. Plaintiff Andrew Patrick Brennan is an adult male and citizen of the State of Texas.

4. Defendant Monroe County Correctional Facility (hereinafter “MCCF”) is a department and/or division of the County of Monroe with a business address at 4250 Manor Dr. Stroudsburg, PA 18360.

5. At all times relevant herein, it is believed and, therefore, averred that Defendant, Garry Hidle is an adult male and believed to be a citizen of the Commonwealth of Pennsylvania, with a business address c/o the Monroe County Correctional Facility, 4250 Manor Dr. Stroudsburg, PA 18360.

6. At all times relevant herein, it is believed and, therefore, averred that Defendant, Lea Baylor is an adult female and believed to be a citizen of the Commonwealth of Pennsylvania, with a business address c/o the Monroe County Correctional Facility, 4250 Manor Dr. Stroudsburg, PA 18360.

7. At all times relevant hereto, Defendant Hidle was the Warden of the Monroe County Correctional Facility, and was empowered to and did formulate, establish, and enforce policies at the facility regarding detention and safety of inmates, including Plaintiff herein.

8. At all times relevant hereto, Defendant Lea Baylor was the Director of Treatment of the Defendant Monroe County Correctional Facility, and was empowered to and did formulate, establish, and enforce policies at the facility regarding detention and safety of inmates, including Plaintiff herein.

9. At all times relevant herein, Defendant PrimeCare Medical, Inc., is a corporation, partnership and/or other business entity organized and existing under the laws of the Commonwealth of Pennsylvania acting by and through its agents, servants, workers, employees

and/or other representatives, including its physicians and nursing staff, and acting in furtherance of its separate and/or individual status and/or acting as the agents, contractors and/or other representatives of the Defendant Monroe County Correctional Facility.

10. At all times relevant herein, Plaintiff Andrew Brennan entrusted his well-being to the Defendants herein, who held themselves out, inter alia, as competent to diagnose and/or otherwise treat serious medical conditions, as hereinafter more fully detailed at length.

11. On or about July 1, 2022, Plaintiff Andrew Brennan was arrested and ultimately placed in the general population at MCCF.

12. When arrested, it is believed and, therefore, averred that Defendants, by and through their agents, servants, workers and/or other representatives, specifically the medical staff, knew that Plaintiff underwent eye surgery, specifically selective laser trabeculoplasty surgery in June 2022, which required, inter alia, eye drops to reduce intraocular pressures.

13. Despite knowledge of the Plaintiff's eye condition, Defendants by and through their agents, servants, workers and/or other representatives, specifically the medical staff created, condoned, ratified and/or ignored a known serious medical condition associated with his eyes by refusing and/or deliberately ignoring, without cause or justification such medical condition and failed to provide proper and adequate medical attention, specifically the administration of medically needed eye drops to reduce and maintain depressed eye pressures.

14. It is believed and, therefore, averred that Defendants, by and through their agents, servants, workers, employees and/or other representatives implicitly if not explicitly created and allowed an environment where it was foreseeable that the Plaintiff's condition would worsen.

15. Despite the obvious cause and injuries inflicted as the result of the condition, Defendants, by and through their agents, servants, workers, employees and/or other representatives placed the Plaintiff in the general population, without proper medical attendance and care.

16. None of the Defendants herein, by and through their agents, servants, workers, employees and/or other representatives, responded to the multiple pleas for medical assistance or sought to intervene protect Plaintiff.

17. At all times relevant hereto, Defendants were employees of the Monroe County Correctional Facility, and were acting under the color of state law.

18. At all times relevant hereto, the Monroe County Correctional Facility was vicariously liable for negligent, reckless, intentional, wrongful, deliberately indifferent, and unlawful conduct of Defendants.

19. At all times relevant hereto, all Defendants were aware of, and recklessly and deliberately indifferent to the need for additional and/or different training, testing, rules, regulations, policies, procedures, guidelines, directives, monitoring, and investigation relating to the detention and protection of individuals who were susceptible to medical conditions including but not limited to Plaintiff.

20. All Defendants acted with deliberate indifference and without due care, in failing to provide needed medical attention for the Plaintiff Andrew Brennan. All Defendants acted with deliberate indifference to the need for additional and/or different training, testing, rules, regulations, policies, procedures, guidelines, and directives in failing to adequately monitor Plaintiff Andrew Brennan while he was in their exclusive custody.

21. The lack of supervision and medical treatment upon Plaintiff Andrew Patrick Brennan were the direct and proximate result of the recklessness and deliberate indifference of all Defendants named herein. Such reckless and deliberate indifference consisted of:

- a. failing to provide regular and continuous observation and supervision and/or control of Andrew Brennan's activities and well-being;
- b. failing to remove Andrew Brennan to consultation and/or hospital for medical care;
- c. failing to properly protect Andrew Brennan from deterioration of his well-being, given his then and there known medical condition;
- d. leaving Andrew Brennan unattended and unmonitored for long periods of time without proper referral, care, assessment and treatment;
- e. failing to timely evaluate and provide medical treatment to Andrew Brennan;
- f. failing to refer Plaintiff for an eye evaluation;
- g. failing to provide necessary medical treatment and care, including eye drops;
- h. delay in the administration of medical care and treatment;
- i. failing to refer Plaintiff for consultation and/or medical facility or to an eye specialist when needed and indicated;
- j. Such other and further acts of deliberate indifference as may be revealed through discovery.

22. As a direct result of the negligent, reckless, deliberately indifferent, intentional, outrageous, and wrongful conduct of the Defendants, jointly and/or severally, as set forth above and herein, Plaintiff Andrew Brennan suffered severe injuries and damages, including but not limited to the following:

- a. injuries to eyes;
- b. pain and suffering;
- c. mental anguish;
- d. humiliation; and
- e. embarrassment.

23. As a direct and proximate result of all the conduct of the Defendant, as described at length above and herein, Plaintiff Andrew Brennan was severely and irreparably injured.

24. As a direct and proximate result of the conduct of all Defendants named herein, and the injuries of the Plaintiff Andrew Brennan caused thereby were compelled to spend sums of money.

**COUNT I**

**CIVIL RIGHTS**

**PLAINTIFF v. MONROE COUNTY CORRECTIONAL FACILITY, WARDEN GARRY HAIDLE, DIRECTOR OF TREATMENT LEA BAYLOR, PRIMECARE MEDICAL, INC. AND JOHN DOES AND JANE DOES #1-10**

25. Plaintiff repeats and reallege the preceding paragraphs as though fully set forth herein.

26. The conduct of the Defendants as set forth above, acting under color of state law, and/or otherwise was intended to harm the Plaintiff Andrew Brennan and was recklessly and deliberately indifferent to the safety, bodily integrity, well-being, privacy, and liberty of the Plaintiff Andrew Brennan, and was committed in conscious disregard of the substantial and/or unjustifiable risk of causing harm to members of the public and to the Plaintiff Andrew Brennan, and was so egregious as to shock the conscience.

27. The conduct of the Defendants as set forth above violated the Plaintiff Andrew Brennan's constitutional rights to be free from unreasonable searches and seizures, rights to medical care in custody, rights to be free from cruel and unusual punishment, rights to privacy, and to substantial and procedural due process, as guaranteed by the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution, and as remediable pursuant to 42 U.S.C. § 1983.

28. As a direct and proximate result of the violations of Plaintiff Andrew Brennan's civil rights, he was caused to suffer grievous physical injuries as set forth above and herein.

**WHEREFORE**, Plaintiff Andrew Brennan demands judgment against all defendants, individually and/or jointly and severally, in excess of One Hundred Fifty Thousand (\$150,0000) dollars, exclusive of interest and costs, which sum includes, but is not limited to:

- a. Damages and costs of suit recoverable by plaintiff;
- b. All other damages and relief as is deemed necessary and equitable by the Court and/or jury presiding over this case;
- c. All damages recoverably under 42 U.S.C. § 1983.

**COUNT 2**  
**MEDICAL MALPRACTICE**

**PLAINTIFF v. MONROE COUNTY CORRECTIONAL FACILITY, WARDEN GARRY HAIDLE, DIRECTOR OF TREATMENT LEA BAYLOR, PRIMECARE MEDICAL, INC. AND JOHN DOES AND JANE DOES #1-10**

29. Plaintiff hereby incorporates by reference all prior allegations set forth in paragraphs 1 through 28, inclusive, as though same were hereinafter set forth herein at length.

30. At all relevant and material times hereto, Defendants, were entrusted with the care, attendance and responsibility to oversee the Plaintiff, specifically his health and well-being.

31. Notwithstanding this duty, Defendants ignored and/or refused to provide the Plaintiff with proper and necessary medical care and attendance.

32. The medical malpractice, negligence, carelessness, recklessness, willful and wanton conduct, omissions and failures to comply with the applicable standards of medical care and conduct on the part of Defendants, by and through their agents, servants, workers, employees and/or other representatives, consisted of the following:

(a) Refusing ignoring and failing to adequately monitor the physical condition of the Plaintiff while he was incarcerated;

(b) Recognizing that the Plaintiff was admitted with a serious eye condition but refusing, ignoring and failing to provide any medical care to him for such serious medical condition;

- (c) Refusing, ignoring and failing to prescribe and administer eye medications, despite knowing that Plaintiff had been taking such medications prior to his detention;
- (d) Refusing, ignoring and failing to ensure that the eye pressure levels of Plaintiff were monitored and/or obtained;
- (e) Refusing, ignoring and failing to make sure that Plaintiff would have reasonable follow-up medical care to determine his eye ;
- (f) Refusing, ignoring and failing to examine Plaintiff with the care and skill ordinarily exercised in similar cases by a physicians and/or nursing staff;
- (g) Refusing, ignoring and failing to take the medical history of Plaintiff with the care and skill ordinarily exercised in similar cases by a physicians and/or nursing staff;
- (h) Refusing, ignoring and failing to recognize in a timely manner, or at all, that Plaintiff required medical care and attention for his serious medical eye;
- (i) Refusing, ignoring and failing to comply with the needs of Plaintiff with regard to necessary intervention by qualified medical care practitioners and physicians;
- (j) Refusing, ignoring and failing to comply with the needs of Plaintiff with regard to necessary intervention for his serious eye medical condition;
- (k) Refusing, ignoring and failing to properly and adequately provide treatment by an appropriate specialist preventing and depriving Plaintiff from receiving needed medical treatment for his serious eye medical condition;
- (l) By having in its employ, individuals inadequate to deal with signs and symptoms exhibited and to act upon them in a manner calculated not to preserve the health and safety of the Plaintiff;
- (m) Failing to possess and exercise the degree of knowledge, care and skill;
- (n) Knowing that Plaintiff was suffering from a serious eye condition yet failing, refusing and

- ignoring to provide any medical care to him for such condition;
- (o) Failing to conform to all applicable standards of medical care under the circumstances;
  - (p) Failing to properly and adequately order diagnostic tests to assess and monitor the eye condition of the Plaintiff;
  - (q) Failing to properly and adequately educate, supervise, monitor and train its staff;
  - (r) Failing to obtain timely and proper medical consultations;
  - (s) Failing to properly respond to the deteriorating and worsening condition of Plaintiff in the face of known and/or suspected signs and symptoms;
  - (t) Misrepresenting qualifications and credentials associated with the performance and practice of medicine;
  - (u) Failing to properly document and assess the medical condition and well-being of the Plaintiff's;
  - (v) Failing to order diagnostic tests of Plaintiff;
  - (w) Failing to provide proper and adequate staffing;
  - (x) Failing to properly investigate, hire, educate, train, supervise its medical staff and personnel;
  - (y) Corporate negligence;
  - (z) Vicarious liability;
  - (aa) Hiring persons who were otherwise unfit and incompetent to practice medicine in the Commonwealth of Pennsylvania.

33. As a direct and proximate result of the negligence and/or carelessness of the Defendants, Plaintiff suffered serious personal injuries, including but not limited to vision loss; was caused to endure pain, suffering, mental shock and anguish; incurred medical expenses and may in the future incur additional medical expenses.

34. As a direct and proximate result of the negligence and/or carelessness of the Defendants, Plaintiff, was caused to endure pain, suffering, mental shock and anguish; effects on his avocations and occupations, emotional upset, incurred medical expenses and may in the future incur additional medical expenses.

35. As a direct and proximate result of the negligence and/or carelessness of the Defendants, Plaintiff suffered a diminution of their quality of life; and may endure future pain and suffering; and were otherwise injured and damaged.

36. As a further result of the negligence and/or carelessness of the Defendants, Plaintiff has been obligated to receive and undergo medical attention and care for the injuries, to incur various expenses for said care and may be obligated to continue to expend such sums and to incur such expenses for an indefinite period in the future.

37. As a direct result of the negligence and/or carelessness of the Defendants, Plaintiff has or may hereafter incur other financial expenses and/or compensatory losses to which he may otherwise be entitled to recover.

**WHEREFORE**, Plaintiff Andrew Brennan demands judgment against all defendants, individually and/or jointly and severally, in excess of One Hundred Fifty Thousand (\$150,000) dollars, exclusive of interest and costs, which sum includes, but is not limited to:

- a. Damages and costs of suit recoverable by plaintiff;
- b. All other damages and relief as is deemed necessary and equitable by the Court and/or jury presiding over this case;
- c. All damages recoverably under 42 U.S.C. § 1983.

VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM

BY:

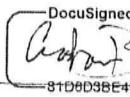
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F: (215) 546-8529  
jlindheim@mtvlaw.com  
Attorneys for Plaintiff

Date: 6-12-24

## VERIFICATION

I, Andrew Patrick Brennan, verify that I am the Plaintiff herein and that the facts set forth in the foregoing Responses to Request for Admissions are true and correct to the best of my knowledge, information, and belief.

I further understand that this statement is subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Signed:   
DocuSigned by:  
81D8D9BE4BF24BD

Dated: 06-12-2024

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

ANDREW PATRICK BRENNAN

(b) County of Residence of First Listed Plaintiff Bell County Texas  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

*van der Veen, Hartshorn, Levin & Lindheim  
Jerry A. Lindheim, GSQ.  
1219 Spruce Street Phila, PA 19107 215-546-1000*

**DEFENDANTS**

MONROE COUNTY CORRECTIONAL FACILITY, ET AL.

County of Residence of First Listed Defendant Monroe  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |   |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>625 Drug Related Seizure of Property</b>	<b>422 Appeal 28 USC 158</b>
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>375 False Claims Act</b>
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<b>INTELLECTUAL PROPERTY RIGHTS</b>	<b>376 Qui Tam (31 USC 3729(a))</b>
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>820 Copyrights</b>	<b>400 State Reapportionment</b>
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<b>830 Patent</b>	<b>410 Antitrust</b>
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<b>835 Patent - Abbreviated New Drug Application</b>	<b>430 Banks and Banking</b>
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>840 Trademark</b>	<b>450 Commerce</b>
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<b>880 Defend Trade Secrets Act of 2016</b>	<b>460 Deportation</b>
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<b>SOCIAL SECURITY</b>	<b>470 Racketeer Influenced and Corrupt Organizations</b>
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 363 Death Penalty	<b>861 HIA (1395ff)</b>	<b>480 Consumer Credit (15 USC 1681 or 1692)</b>
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 530 General	<b>862 Black Lung (923)</b>	<b>485 Telephone Consumer Protection Act</b>
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 535 Death Penalty	<b>863 DIWC/DIWW (405(g))</b>	<b>490 Cable/Sat TV</b>
		<input type="checkbox"/> 540 Mandamus & Other	<b>864 SSID Title XVI</b>	<b>850 Securities/Commodities/ Exchange</b>
		<input type="checkbox"/> 550 Civil Rights	<b>865 RSI (405(g))</b>	<b>890 Other Statutory Actions</b>
		<input type="checkbox"/> 555 Prison Condition	<b>FEDERAL TAX SUITS</b>	<b>891 Agricultural Acts</b>
		<input type="checkbox"/> 560 Detainee - Conditions of Confinement	<b>870 Taxes (U.S. Plaintiff or Defendant)</b>	<b>893 Environmental Matters</b>
			<b>871 IRS—Third Party</b>	<b>895 Freedom of Information Act</b>
			<b>26 USC 7609</b>	<b>896 Arbitration</b>
				<b>899 Administrative Procedure Act/Review or Appeal of Agency Decision</b>
				<b>950 Constitutionality of State Statutes</b>

**V. ORIGIN** (Place an "X" in One Box Only)

- |   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. § 1983Brief description of cause:  
Civil Rights**VI. CAUSE OF ACTION** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

excess of \$150,000.00

CHECK YES only if demanded in complaint:

**JURY DEMAND:**  Yes  No**VII. REQUESTED IN COMPLAINT:****VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

L-12-24

SIGNATURE OF ATTORNEY OF RECORD

APPLYING IFFP

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFFP

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_